

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

JOHN WILL SMITH, #108872,)	
)	
Petitioner,)	
)	
vs.)	CIVIL ACTION NO. 3:05cv868-A
)	
LEON FORNISS, et al.,)	
)	
Respondents.)	

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #5), entered on September 21, 2005, and the Objection (Doc. #6), filed by the Petitioner on October 11, 2005.

Petitioner's objection does not address the reason that the Recommendation was made to deny the petition, i.e., that Petitioner failed to obtain the requisite order from the Eleventh Circuit Court of Appeals authorizing this court to consider this successive habeas application. Petitioner merely states the reasons he contends the application should be reviewed. The court agrees with the Magistrate Judge, the objections are hereby overruled, and the court adopts the Recommendation of the Magistrate Judge. Therefore, it is hereby

ORDERED that this 28 U.S.C. § 2254 petition for habeas corpus relief is DENIED, and this case is DISMISSED in accordance with the provisions of 28 U.S.C. § 2244(b)(3)(A), as the Petitioner has failed to obtain the requisite order from the Court of Appeals authorizing this court to consider a successive habeas application.

Final Judgment will be entered accordingly.

DONE this 13th day of October, 2005.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE